

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
WEDNESDAY, MARCH 5, 1969

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, March 5, 1969 in the City Hall Council Chambers.

**ROLL CALL**

Present: Councilmen - BROWN, CULBERTSON, KIRSTEN,  
SCHAFFER and HUNNELL (Mayor)

Also present: City Manager Graves, Assistant City Manager Peterson, City Attorney Mullen and Planning Director Schroeder.

**PLEDGE**

Mayor Hunnell led the Pledge of Allegiance to the flag.

**MINUTES**

On motion of Councilman Schaffer, Brown second, the Minutes of February 19, 1969 were approved as written, corrected by the City Clerk and mailed.

**PUBLIC HEARINGS**

**REZONE  
LOTS 1-9  
CHEROKEE  
GARDENS**

**ORD. NO. 891  
INTRODUCED**

The public hearing on the proposal of the City Planning Commission to rezone Lots 1 - 9, as shown on the Revised Tentative Map of Cherokee Gardens Subdivision from the R-2, Single-Family Residential District to the R-MD, Medium Density Multiple-Family Residential District having been continued from the meeting of February 19, 1969, Mayor Hunnell called for the continuation of the hearing.

Planning Director Schroeder presented a drawing of the area and explained that the Planning Commission had determined that the access streets of Hale Road and Delores Street were adequate to carry the additional traffic which the higher density of development would provide. He also made a comparison of traffic access between the Cherokee Gardens-Pioneer-Walnut Orchard Area and the Willow Glen-Lakewood Area, since both of these areas have limited access to a major street. The Planning Director reported that after considering the suggestion of the Council that the area be rezoned to R-GA rather than R-MD, the Planning Commission had reaffirmed its recommendation that the area be rezoned to R-MD. Mr. Schroeder stated that the Planning Commission felt the R-MD zone would provide a better buffer between R-2 and C-2 zoned areas than would R-GA zoning and also the dwelling density permitted in the R-MD zone would be more in keeping with the multiple-family densities already existing in the Pioneer and Walnut Orchard Subdivisions than would the densities permitted by R-GA.

Those speaking against the rezoning were:

Mr. Gerald Doud, 1021 Woodrow Street  
Mrs. Joyce Cooper, 1012 Woodrow Street  
Mr. Arthur Wacker, 736 South Cherokee Lane  
Mr. Ed Hall, 1119 Woodrow Street

The public portion of the hearing was then closed. Councilman Schaffer stated he would abstain from the discussion and voting on the matter because of a possible conflict of interest. After discussion, Councilman Culbertson moved introduction of Ordinance No. 891 rezoning Lots 1 through 9, as shown on the Revised Tentative Map of Cherokee Gardens Subdivision to be in the R-MD, Medium Density Multiple-Family Residential District.

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The motion was seconded by Councilman Kirsten and carried by the following vote:

Ayes: Councilmen - Brown, Culbertson, Kirsten  
and Hunnell  
Noes: Councilmen - None  
Abstain: Councilmen - Schaffer

REZONE 1381  
W. LOCKEFORD

ORD. NO. 892  
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Hunnell called for the public hearing on the proposal of the Planning Commission to rezone a parcel at 1381 West Lockeford Street from the C-P, Commercial-Professional District to the C-1, Neighborhood-Commercial District. Planning Director Schroeder introduced the matter, stating that the rezoning had been initiated by the Planning Commission in an effort to eliminate "spot zoning" throughout the City. There was no one in the audience who wished to be heard on the matter and the public portion of the hearing was closed.

Councilman Culbertson stated he felt C-P zoning would serve as a better buffer between residential and commercial areas than would C-1 zoning and did not feel the parcel should be rezoned to C-1. After discussion, Councilman Brown moved introduction of Ordinance No. 892 rezoning a parcel located at 1381 West Lockeford Street to be in the C-1, Neighborhood-Commercial District. The motion was seconded by Councilman Kirsten and carried by the following vote:

Ayes: Councilmen - Brown, Kirsten, Schaffer  
and Hunnell  
Noes: Councilmen - Culbertson  
Absent: Councilmen - None

REZONE 800-826  
N. MILLS & 1930  
HOLLY

ORD. NO. 893  
INTRODUCED

Notice thereof having been published in accordance with law, Mayor Hunnell called for the public hearing on the proposal of the Planning Commission to rezone parcels located at 800-826 North Mills Avenue and 1930 Holly Drive from the C-2, General-Commercial District to the R-2, Single-Family Residential District and thereby eliminate an existing "spot zone." No one spoke in favor of the proposed zoning.

Attorney Gene G. Walton, 318 West Pine Street, spoke on behalf of Mr. and Mrs. Richard Wilcox, owners of the service station at the southeast corner of Holly Drive and Mills Avenue. Attorney Walton gave a brief background of the present zoning of the property and urged the Council to deny the proposed rezoning.

Mr. Roland Kessel, 3134 Pacific Avenue, Stockton, owner of the five vacant parcels south of the existing service station stated he would prefer his property remain commercially zoned but if it were rezoned he would prefer R-MD zoning to the proposed R-2 zoning. There being no others wishing to speak on the matter, the public portion of the hearing was closed.

After discussion, Councilman Schaffer moved the entire area be rezoned to C-1, Neighborhood Commercial District. The motion died for lack of a second. Councilman Kirsten suggested considering rezoning the five vacant parcels to the R-MD District and the corner lot remaining C-2. Planning Director Schroeder, upon being questioned, stated that the service station would be a conforming use in a C-1 zone. After further consideration, Councilman Brown

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moved introduction of Ordinance No. 893 rezoning Lots 26 and 27, Lakeside Park Subdivision to be in the C-1, Neighborhood Commercial District. The motion was seconded by Councilman Kirsten and carried by the following vote:

Ayes:	Councilmen - Brown, Culbertson, Kirsten and Hunnell
Noes:	Councilmen - Schaffer
Absent:	Councilmen - None

Councilman Kirsten then moved the remaining five vacant parcels (Lots 28 - 32, Lakeside Park Subdivision) be referred back to the Planning Commission for study of the possibility of rezoning them to the R-MD District. The motion was seconded by Councilman Culbertson and carried by unanimous vote.

#### CITY TREES

Mr. Leslie Tromanhouser of Herald addressed the Council on behalf of the City's street tree program.

#### REPORTS OF PLANNING COMMISSION

The City Manager gave the following report of the Planning Commission meeting of February 24, 1969:

#### OF INTEREST

1. Denied the request of Lodi Fab Industries by Mr. E. W. Larson for a change in zoning for property located on the east side of South School Street, north of Park Street from the R-MD, Medium Density Multiple-Family Residential District to the C-2 General Commercial District.
2. Approved the request of Mr. John Capell for a revised use permit to construct a 30-unit apartment complex on a two-acre parcel on the east side of Lower Sacramento Road in the Town and Country Park Subdivision in an area zoned Planned-Development #1.
3. Denied the request of Mr. Paul A. Miller for a variance to use an existing accessory building for commercial storage for both a general contractor and an electrician at 503 South School Street in an area zoned R-2, Single-Family Residential.

#### COMMUNICATIONS

##### CHAMBER RE EMERSON PARK

A letter was read from Mr. Guy P. Wakefield, 112 North California Street, urging the Council to deny the Chamber of Commerce request for use of a portion of Emerson Park.

##### SENATE BILL 4

##### RES. NO. 3245

City Manager Graves reported he had received a Legislative Bulletin from the League of California Cities outlining Senate Bill 4. He explained that Senate Bill 4 is designed to clarify the Legislatures intent in preempting in legislative fields. Mr. Graves recommended support of the bill. On motion of Councilman Culbertson, Schaffer second, the Council by unanimous vote adopted Resolution No. 3245 supporting Senate Bill 4.

#### REPORTS OF THE CITY MANAGER

##### CLAIMS

Claims in the amount of \$186, 148.41 were approved on motion of Councilman Kirsten, Brown second.

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CHAMBER OF  
COMMERCE REQUEST  
RE EMERSON  
PARK DENIED

City Manager Graves reported that a request had been received from the Chamber of Commerce for use of a portion of Emerson Park for a building to house the Chamber's offices. Mr. Vernon Ekstrom, 1009 South Lee Avenue, chairman of the Building Committee of the Chamber of Commerce, stated the committee was exploring various possibilities for the future site of the Chamber offices and felt Emerson Park was a desirable location. Bozant Katzakian, 503 West Pine Street, subcommittee chairman on location, also spoke on behalf of the request.

Councilman Kirsten pointed out that Parks and Recreation Director Ed DeBenedetti had made a strong recommendation against the request. The City Manager also recommended the request be denied and suggested the City should not permit the use of any City parks for non-recreational activities. The consensus of the Council was that Emerson Park is highly utilized as a recreational facility, and any rearrangement of the facilities to accommodate the Chamber offices could curtail activities in the Park. After further discussion, Councilman Kirsten moved the City Council go on record as opposing use of Emerson Park for any use other than recreational facilities. The motion was seconded by Councilman Culbertson and carried by unanimous vote.

TRAFFIC SURVEY -  
HAM & TURNER

The City Manager presented the "Traffic Engineering Investigation" as prepared by the Public Works Department concerning the school crossing at Turner Road and Ham Lane. A copy of the report was also presented to each of the Councilmen at the meeting. Councilman Culbertson felt the Council had not had sufficient time to study the report and requested the matter be continued to the next regular meeting. The Council agreed and the matter was continued to the meeting of March 19, 1969.

AGREEMENT -  
POP. ESTIMATE

RES. NO. 3246

An agreement had been forwarded to the City from the State Department of Finance for a population estimate by the State. The City Manager explained that the State had requested that the Council approve the same by resolution. On motion of Councilman Schaffer, Kirsten second, the City Council adopted Resolution No. 3246 approving the agreement with the State Department of Finance as presented and authorized its execution on behalf of the City by the Mayor.

MUTUAL AID  
AGREEMENT -  
FIRE PROTECTION

RES. NO. 3247

The City Manager presented a copy of an agreement for mutual day-to-day fire protection aid which included each of the other cities and fire districts in the entire County. This agreement would supersede the present agreement the City has with the various fire districts in the area and the City Manager recommended it be approved. On motion of Councilman Brown, Schaffer second, the Council adopted Resolution No. 3247 approving the Mutual Day-to-Day Fire Protection Aid Agreement and authorizing the Mayor to execute the agreement on behalf of the City.

BUS LOADING -  
EAST CAMPUS

The City Manager reported on the request for a change of bus loading zone for the Lodi High School East Campus which was presented to the Council at the previous meeting. Mr. Graves presented a report from the Public Works Director which recommended relocation of the bus loading zone from Walnut Street as requested. The report stated that the School District had indicated it would install eight feet of sidewalk adjacent to the bus loading zone on Oak Street, and if their funds permitted they would extend the sidewalk for the entire block between Rose and Hutchins Streets. Councilman Schaffer moved the

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request of the Lodi Union High School to relocate the bus loading zone be granted. The motion was seconded by Councilman Kirsten. Both Councilman Culbertson and Mayor Hunnell expressed concern for the safety of pedestrians in the area. They felt the School District should install the sidewalk the full length of Oak Street between Rose and Hutchins Streets to provide a greater measure of safety to pedestrians. After further discussion concerning the safety of the pedestrians on Oak Street between the proposed bus loading zone and Hutchins Street, Mayor Hunnell suggested approval of the request for the relocation of the bus loading zone be delayed and the matter continued to the next regular meeting to allow the Manager time to contact the School District officials regarding the matter. Councilman Schaffer then withdrew his motion. Councilman Kirsten withdrew his second, but stated he did so with the understanding that he was not in favor of delaying the approval of the request until the sidewalk is installed. The Council then directed the City Manager to contact Mr. James Areida, Business Manager of Lodi Unified School District, notifying him that the Council concurs with the proposed idea of ~~with the request for~~ the relocation of the bus loading zone but desires further information from the School District regarding plans for installation of sidewalk on Oak Street as well as information on the entire ~~traffic~~ <sup>parking</sup> situation at the East Campus. The matter was continued to the meeting of March 19, 1969.

#### RECESS

At 9:55 p.m. the Mayor declared a five-minute recess.

#### AWARD - ASBESTOS CEMENT PIPE

Bids received for the asbestos cement water pipe for the Public Works Department were as follows:

RES. NO. 3248

Voss International	\$ 51,558.00
Certain-Teed Products	54,959.00
Johns-Manville Company	56,208.00

Mayor Hunnell presented a petition which he had received bearing 29 signatures of Lodi residents who are employed by Johns-Manville Corporation in Stockton, protesting the use of other than American-made products by the City of Lodi. The City Manager explained that the low bidder, Voss International Corporation, proposes to furnish pipe manufactured in Japan and that the pipe does meet the City's specifications as outlined for bidders. He stated it was strictly a legal question, since the City must comply with State law and City ordinances governing bidding procedures and must award to the lowest responsible bidder.

Mr. George Conley, representing Johns-Manville Corporation in Stockton addressed the Council, stating he felt the matter was not a question of legality but of public interest and felt the City should purchase pipe manufactured locally.

Mr. Harlan Quador, representing Voss International Corporation, spoke on behalf of his company and stated that other municipalities are presently using the Japanese - made pipe.

Mr. Arlie Preszler, 1111 South Crescent Avenue, spoke, urging the Council to award the bid to the lowest responsible bidder. Councilman Culbertson then concluded the discussion by stating that when specifications were adopted for the asbestos cement pipe the Council determined then that any pipe which met the specifications would be acceptable and therefore, he moved adoption of Resolution No. 3248 awarding the bid to the low bidder, Voss International Corporation. The motion was seconded by Councilman Kirsten and carried by the following vote:

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Ayes: Councilman - Culbertson, Kirsten, Schaffer  
and Hunnell

Noes: Councilman - Brown

Absent: Councilman - None

VENTILATION -  
STORAGE ROOM  
P.S. BUILDING

City Manager Graves reported that the Municipal Court is using the passageway under the Public Safety Building for storage of court records and a problem has arisen in that the ventilation in the area is lacking and the records are being destroyed by moist air. He reported that the Board of Supervisors had secured studies and estimates for providing proper ventilation to the room and the plans had been approved by both Mr. Varner and the City's consulting engineer for the building, Mr. Robert Snyder. The Manager stated he reported the above only as a matter of information and no Council action was indicated. The Council agreed the area should be ventilated as proposed by the County.

SALE OF  
BONDS

City Manager Graves outlined the plans for the sale of the drainage bonds and stated the date for the sale had been set for April 16, 1969. On motion of Councilman Culbertson, Kirsten second, the Council approved the plans for the sale of drainage bonds as outlined by the City Manager.

REDUCE SHIFT-  
WATER WORKS

The City Manager stated because of the illness of a Utility Plant Operator and the employee's imminent retirement, a large amount of overtime had been necessary to maintain a 24-hour coverage at the Water Works. In reviewing the problem, the Manager had determined that 24-hour coverage may not be necessary. He proposed a temporary measure whereby the midnight shift would be deleted and necessary warning devices for water and sewer plant controls be placed in the Police Department. He explained that the arrangement was proposed only until such time as the 60-KV system is installed at which time 24-hour coverage would be required. The City Manager felt the proposal could be accomplished without inconveniencing the public. The Council concurred with the City Manager's recommendation and authorized him to experiment with the proposal.

REPORT -  
WATER &  
SEWER  
QUALITIES

As requested by the Mayor at the meeting of February 19, 1969, Public Works Director Shelley Jones reported to the Council on the City of Lodi's water and sewer qualities stating they meet the the present control regulations.

PLANS & SPECS -  
KOFU PARK BLDG.

City Manager Graves stated that the problem had been resolved with respect to the plans and specifications for the Kofu Park Building and recommended they be approved as presented. On motion of Councilman Brown, Kirsten second, the City Council approved the plans and specifications and authorized advertising for bids thereon.

STORAGE  
BLDG.

On motion of Councilman Schaffer, Brown second, the Council authorized purchase of a storage building for garden equipment to be placed at the Civic Center.

ORDINANCES

REZONE POR  
LOTS 26 and 45  
WINDSOR TRACT

ORD. NO. 887  
ADOPTED

ORDINANCE NO. 887, entitled, "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING A PORTION OF LOTS 26 and 45, WINDSOR TRACT, TO BE IN THE C-P, COMMERCIAL-PROFESSIONAL OFFICE DISTRICT," having been introduced at the meeting of February 19, 1969, was brought up for passage on motion of Councilman

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Culbertson. Schaffer second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Brown, Culbertson, Kirsten,  
Schaffer and Hunnell

Noes: Councilmen - None

Absent: Councilmen - None

REZONE 1011, 1115  
W. LODI AVE., 233 S.  
FAIRMONT & 233 S.  
ORANGE AVE.

ORD. NO. 888  
ADOPTED

ORDINANCE NO. 888, entitled, "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING PARCELS LOCATED AT 1011 AND 1115 WEST LODI AVENUE, 233 SOUTH FAIRMONT AVENUE AND 233 SOUTH ORANGE AVENUE TO BE IN THE R-2, SINGLE-FAMILY RESIDENTIAL DISTRICT," having been introduced at the meeting of February 19, 1969, was brought up for passage on motion of Councilman Schaffer. Culbertson second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Brown, Culbertson, Kirsten,  
Schaffer and Hunnell

Noes: Councilmen - None

Absent: Councilmen - None

REZONE POR  
SE COR HAM  
& LOCKEFORD

ORD. NO. 889  
ADOPTED

ORDINANCE NO. 889, entitled, "AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING CERTAIN PARCELS LOCATED AT THE SOUTHEAST CORNER OF N. HAM LANE AND W. LOCKEFORD STREET TO BE IN THE R-GA, GARDEN APARTMENT RESIDENTIAL DISTRICT," having been introduced at the meeting of February 19, 1969, was brought up for passage on motion of Councilman Brown, Schaffer second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - Brown, Culbertson, Kirsten,  
Schaffer and Hunnell

Noes: Councilmen - None

Absent: Councilmen - None

ELIMINATE  
R-3 & R-4  
ZONES

ORD. NO. 890  
ADOPTED

ORDINANCE NO. 890, entitled, "AN ORDINANCE AMENDING CHAPTER 27 (ZONING ORDINANCE) OF THE LODI CITY CODE AND THEREBY ELIMINATING ALL REFERENCES TO THE R-3 AND R-4 MULTIPLE-FAMILY ZONING DISTRICTS," having been introduced at the meeting of February 19, 1969, was brought up for passage on motion of Councilman Schaffer, Culbertson second. Second reading was omitted after reading by title, and the ordinance was then passed, adopted and ordered to print by the following vote:


Ayes: Councilmen - Brown, Culbertson, Kirsten,  
Schaffer and Hunnell

Noes: Councilmen - None

Absent: Councilmen - None

#### ADJOURNMENT

At approximately 12:05 a.m. Mayor Hunnell adjourned the meeting to 7:30 p.m., Wednesday, March 12, 1969.

  
ATTEST: BESSIE L. BENNETT  
CITY CLERK